# CITY COUNCIL, CITY OF LODI CITY HALL COUNCIL CHAMBERS

### January 21, 1981

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, January 21, 1981 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Hughes, McCarty, Murphy,

Pinkerton, and Katnich

(Mayor)

Absent: Councilmen - None

Also

Present: City Manager Glaves, Assistant City

Manager Glenn, Public Works Director Ronsko, Community Development Director Schroeder, City Attorney Stein, and

City Clerk Reimche

INVOCATION

The invocation was given by Chaplain Wayne Kildall,

Center of Hope

PLEDGE

Mayor Katnich led the Pledge of Allegiance to the

flag.

PLANNING COMMISSION The City Manager gave the following report of the Planning Commission meeting of January 12, 1981:

The Planning Commission -

ITEMS OF INTEREST

 Approved the request of Richard Turner, DVM, to amend the Use List in the C-S, Commercial Shopping District to permit small animal veterinary practice (i.e. Veterinary Clinics) without boarding facilities under certain conditions.

- 2. Determined that a "Hardship" existed and approved the request of Esther Delu for a Variance to reduce the required 5 foot sideyard setback to 3½ feet to permit a Lot Line Adjustment at 1029 South Church Street in an area zoned R-2, Single-Family Residential.
- 3. Determined that the sale of a limited amount of art supplies were an accessory use to the teaching of art classes at 207 South Hutchins Street in an area zoned R-C-P, Residential-Commercial-Professional as requested by Pat Bender.
- 4. Recommended that the San Joaquin County Planning Commission approved the request of Tokay Development Company to rezone the area on the south side of Woodbridge Road, 221 feet west of Rio Verde Street, Woodbridge, from GA-1, General Agriculture to R-2, Residential.
- 5. Recommended that the San Joaquin County Planning Commission approve the request of George Ferrero for a 110 unit residential subdivision and to rezone from GA-1, General Agriculture to R1-U, Residential the area generally located on the north side of Woodbridge, north of Augusta Street.

COMMUNICATIONS

ABC LICENSE APPLICATIONS

City Clerk Reimche presented the following applications for Alcoholic Beverage Licenses which had been received:

- 1. The Loft, 112 S. Cherokee Lane, Lodi, New License, On Sale Beer and Wine
- 2. The Happening, 212 W. Kettleman Lane, Lodi, Person to Person Transfer, On Sale Beer and Wine-Public Premises
- 3. Buulls, 107 N. School Street, Lodi, On Sale Beer and Wine, Public Premises, New License

CLAIMS

City Clerk Reimche presented the following claim:

Ryan Reich, Date of Loss, October 5, 1980

Following recommendation of R.L. Kautz, the City's Contract Administrator and the City Attorney, on motion of Councilman Pinkerton, Murphy second, Council rejected the heretofore listed claim and referred the same back to R.L. Kautz and Company.

DAN R. ANDERSON RESIGNS FROM RECREATION COMMISSION The City Clerk presented a letter of resignation received from Lodi Recreation Commissioner Dan R. Anderson, which resignation is effective December 31, 1980. On behalf of the City Council, Mayor Katnich extended sincere appreciation to Mr. Anderson for his time and effort in serving on this Commission.

FOLSOM SOUTH CANAL

Council received a letter from United States Senator Alan Cranston thanking City Manager Glaves for his message about the possible inclusion of the Lower American River in legislation making additions to the national wild and scenic rivers system. Senator Cranston indicated that it was his understanding that federal designation of the Lower American River would not preclude the construction and operation of the Folsom South Canal. However, he appreciated receiving the information that the City of Lodi feels that federal designation would be premature. Senator Cranston indicated that the Lower American River was not included in the omnibus rivers bill passed by the Senate in the closing hours of the 96th Congress; and that moreover, final action was not completed on the omnibus rivers bill and the measure died when Congress adjourned.

City Manager Glaves reported on a recent news release received from U.S. Department of the Interior Secretary Andrus concerning decisions on Auburn Dam safety and reauthorization.

Following recommendation of City Manager Glaves the City Clerk was directed by Council to send a letter to Senator Cranston supporting the City's position in this matter.

PROPOSED
ELIMINATION OF
GC SECTION
24252, SHERIFFS
AND CLERKS;
OFFICES IN
CITIES OF NOT
LESS THAN
35,000
POPULATION

The City Clerk presented a letter which had been received from C. E. Dixon, San Joaquin County Administrator, advising that as they approach the budgeting process for FY 81-82, they are investigating means of reducing the demand on County funds. One of the areas of interest is in the elimination of State Mandates, which are not funded by the State, and which do not constitute a justifiable priority rating for continuation. Section 24251 of the State of California Government Code requires that Sheriffs and clerks shall also have offices in each city containing a population of not less than 35,000 as ascertained by the preceding census taken under the authority of the Congress or the Legislature in which the city hall is not less than eight miles distance from the site of the county courthouse. Following discussion, on motion of Mayor Pro Tempore McCarty, Pinkerton second, Council supported the County of San Joaquin in proposing the elimination of State mandate under Section 24251, State of California, Government Code regarding sheriffs and clerks offices in cities of not less than 35,000 population.

REQUEST FOR A DESIGNATED MEMORIAL BLDG. RECEIVED FROM VETERANS OF FOREIGN WARS

City Clerk Reimche presented a petition from Lodi Post Number 1968, Veterans of Foreign Wars, respectfully requesting a designated Memorial Building. The petition states that on the occasion of their Golden Anniversary, they do not have a building for the Veterans of foreign Wars who served in WWI, WWII, the Korean Conflict and the Vietnam Area Conflict.

LETTER RECEIVED FROM MUSIC TEACHERS ASSOCIATION RE BUSINESS LICENSE REOUIREMENT The City Clerk presented the following letter which had been received from Mrs. Peggy Robertson, President of the Music Teachers Association of California:

"We would like to protest the business license now being required of music teachers in the City of Lodi. All music teachers have not been requested to pay this tax - but those who have been listed as belonging to the Music Teachers Association of California. (The MTAC is a non-profit organization which requires high educational standards and encourages continuing education of its teachers.)

Music is fully recognized in law as an educational subject. Yet; licensing seems to be based upon the false assumption that private teaching is more a business than an educational activity. Since music teachers are educators they should be exempt from license fees just as the public school teacher is exempt.

The license has other ramifications which concern our members. We do forsee higher license fees - including the possibiltiy of county fees, as well as possible zoning restrictions. Because we teach in our own homes, and because we want to see every interested child have the advantage of a musical education, children in Lodi from every economic strata have had the opportunity to learn a skill which will serve them in adult life as recreation and as a means of participation in

community life. Churches and many other community organizations depend upon those skills taught by the independent music teacher. Please help us to keep our lessons affordable.

Although we are not paid by LUSD, but by private citizens of Lodi, we strongly feel that we are and always will be teachers - not sellers - and we ask you to reconsider the appropriateness of requiring music teachers to have a business license."

A lengthy discussion followed with questions being directed to Staff and to Mrs. Robertson. No formal action was taken by the Council on the matter.

PETITION
RECEIVED RE
TRAFFIC
PROBLEM IN
AREA OF 1902
SOUTH HUTCHINS
STREET

33-4501

City Clerk Reimche presented a petition containing approximately 157 signatures asking for relief of heavy traffic congestion in the area of 1902 South Hutchins Street, Lodi, and requesting that the frontage road be extended beyond its present stopping point to Mendocino Drive.

Council discussion followed with questions being directed to Staff regarding the subject. Public Works Director Ronsko indicated that this particular area was an area of concern and that it is Staff's intention to bring this matter to the Council at a future meeting.

CITY TO SELL LA FRANCE FIRE ENGINE FOR RAFFLE PRIZE FOR FIELD & FAIR DAY The City Clerk presented a letter which had been received from Ben Schaffer, Chairman of the Old LUHS Site Foundation Committee, who is involved in raising money for the purchase of the property for the future Lodi Community Center requesting permission to buy (at a mutually agreed upon price), the retired LaFrance fire engine presently located at the Fire Station No. 3. The engine will become the property of the Foundation who will license and insure it. The Committee requests the Council's approval to store the engine at its present location until Field and Fair Day which has been set for September 7, 1981. The Committee plans to sell raffle tickets using the engine as the prize. The drawing will be on Labor Day. The engine will also be used for other promotional activities to raise money. If the raffle winner does not wish to claim his prize, the Committee is prepared to accept the engine as a donation and have it become a part of the Lodi Community Center and it will be named for its donor. The Committee shall seek funds to underwrite the raffle promotion, insurance and licensing costs and respectfully request the Council's endorsement of this project.

On motion of Councilman Pinkerton, McCarty second, Council approved the sale of the retired LaFrance Fire Engine presently located at the Fire Station No. 3 to the Lodi High School Site Foundation Committee for a raffle prize at the September 7, 1981 Field and Fair Day under the conditions set forth in the letter of request dated January 13, 1981.

COMMENTS BY CITY COUNCILMEN

SCHOOL IMPACTION TASK FORCE TO BE FORMED Councilman Pinkerton pointed out that a recent newspaper article indicated that a County Task Force was being formed at the direction of County Board of Supervisors' Chairman Doug Wilhoit to seek solutions to the overcrowding in the County school systems and to give the Supervisors a more aggressive role in solving the problem of overcrowding. Council asked that a letter be directed to Chairman Wilhoit indicating its concern that the Lodi City Council be represented on this Task Force and for a clarification on the charge of the Task Force.

BATCH REORGANIZATION DENIAL Mayor Pro Tempore McCarty addressed the Council regarding the recent Batch Reorganization denial by LAFCO. Following discussion on the matter, Council directed Community Development Director Schroeder to prepare a report concerning this denial and directed the City Clerk to obtain a copy of the subject LAFCO meeting minutes.

PROPOSED FIXED ROUTE TRANSPORTATION SYSTEM

Mayor Pro Tempore McCarty reported that representatives of CalTrans and Assistant City Manager Glenn have been meeting and are formulating a tentative fixed route plan for the City of Lodi. Mayor Pro Tempore McCarty concluded his remarks by stating that he trusted this information would be available for the Council shortly.

PROPOSED
INITIATIVES

Councilman Hughes introduced the subject of the proposed "Green Belt" Initiative stating that he felt the public should be made aware that this proposed initiative may be unconstitutional. According to City Attorney Stein the legal problem arises in the fact that the proposed initiative requires voters to decide whether land will be annexed into Lodi. The requirement clashes with State law that places no such restriction on annexation of properties into cities.

The proposed initiative requires "an amendment to the City's Land Use Element of the General Plan be made and approved by a majority of the people voting in a city-wide election to annex land". City Attorney Stein said that in essence, therefore, you're requiring a vote on annexations. The constitutionality of similar local laws are presently being weighed in California courts.

Councilman Murphy proposed that once the petitions have been received by the City Clerk on the proposed initiatives, that the City set up public forums to respond to questions from the citizenry regarding these proposed initiatives.

REPORTS OF THE CITY MANAGER

CONSENT CALENDAR In accordance with report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Pinkerton, Hughes second, were approved by the City Council.

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,369,932.64.

AUDIT FOR F.Y. ENDED JUNE 30, 1980

COUNCIL RECEIVED FOR FILING THE AUDITED FINANCIAL STATEMENTS AND OTHER FINANCIAL INFORMATION FOR THE CITY OF LODI FOR FISCAL YEAR ENDED JUNE 30, 1980.

LOT LINE ADJUSTMENT RAX ROAST BEEF

RESOLUTION NO. 81-9

COUNCIL ADOPTED RESOLUTION NO. 81-9 APPROVING A LOT LINE ADJUSTMENT BETWEEN RAX'S ROAST BEEF RES. NO. 81-9 AND THE VINEYARD SHOPPIN
22-27(a) 730 WEST KETTLEMAN LANE) AND THE VINEYARD SHOPPING CENTER (I.E. 920 AND

AGREEMENT FOR CONSTRUCTION OF HUTCHINS STREET HARNEY LANE TRAFFIC SIGNAL APPROVED

RESOLUTION NO. 81-10

COUNCIL APPROVED THE AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE SHARING OF COSTS AND RESPONSIBI-LITIES FOR THE CONSTRUCTION OF THE TRAFFIC SIGNAL AT HUTCHINS STREET AND HARNEY LANE AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

RES. NO. 81-10

RESOLUTION NO. 81-11

PURCHASE OF FOUR VEHICLES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM APPROVED

COUNCIL ADOPTED RESOLUTION NO. 81-11 AUTHORIZING THE CITY MANAGER TO PURCHASE THE FOUR VEHICLES APPROVED IN THE 1980-81 BUDGET THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM.

PROGRAM AFT (1977)

RES. NO. 81-11 (1977)

207-7

ABOUT DELAY IN RECEIVING ANNUAL AUDIT

COUNCIL CONCERNED On motion of Councilman Hughes, Pinkerton second, the City Clerk was directed to correspond with Ernst and Whinney to ascertain the reason for the delay in receiving the Audited Financial Statements and other Financial Information for the City of Lodi for fiscal year ended June 30, 1980 and also to inquire as to when the City might expect receipt of the Management Letter concerning this audit.

AGENDA ITEMS REMOVED FROM AGENDA

With the tacit concurrence of the City Council, the following agenda items were removed from the agenda:

- Agenda item "f" "Report by Walter Sanborn, Chairman of CLIC Committee
- b) Agenda item "g" "Request of Richard E. Sanborn for median opening'

AMENDMENT TO SECTION 10 OF ORDINANCE NO. 622 RE PARKING LOT NO. 5 ESTABLISHING THAT STICKERS EVIDENCING PAYMENT OF MONTHLY RENTAL BE DISPLAYED ON THE REAR BUMPER OF THE VEHICLE RATHER THAN IN THE REAR WINDOW

Following introduction of the matter by City Manager Glaves and in order to bring our City Code in compliance with State law, Council, on motion of Councilman Hughes, Murphy second, introduced Ordinance No. 1219 amending Section 10 of Ordinance No. 622 regarding Parking Lot No. 5 establishing that sticker evidencing payment of monthly rental be displayed on the rear bumper of the vehicle, rather than in the rear window. The motion carried by unanimous vote.

ORD. NO. 1219 INTRODUCED

ACTION DEFERRED ON INCREASING FEE SCHEDULE FOR SOFTBALL AND ADULT BASKETBALL Agenda item "i" - "Approve increased fee schedule for softball and adult basketball" was introduced by City Manager Glaves.

Following Council discussion, on motion of Mayor Pro Tempore McCarty, Pinkerton second, action was deferred on this matter to allow time for Mayor Katnich and Mayor Pro Tempore McCarty to meet with the Parks and Recreation Director Ed DeBenedetti to review the entire fee structure.

APPROVE LEASE AGREEMENT WITH MARVIN MAYER FOR 13 ACRES ADJACENT TO LODI LAKE PARK City Manager Glaves apprised the Council that Parks and Recreation Director DeBenedetti had talked to Marvin Mayer and Mr. Mayer had indicated that he is willing to take care of the City-owned 13 acres of vineyard and walnuts located in the area of Lodi Lake Park. Mr. DeBenedetti indicated that after talking to several farmers as well as others who were in the grape business and after the experience the City had this past year, it would be his recommendation that Council approve the proposed lease agreement with Mr. Mayer.

Following discussion, on motion of Councilman Murphy, Hughes second, Council approved the proposed Lease Agreement between the City and Mr. Marvin Mayer for the 13 acre parcel adjacent to Lodi Lake Park and authorized the Mayor and City Clerk to execute the subject agreement on behalf of the City.

AWARD - CONTRACT FOR LEGAL ADVERTISING FOR THE CITY OF LODI

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Agenda item "k" - "Award - Contract for Legal Advertising for the City of Lodi" was introduced by City Manager Glaves.

Mayor Pro Tempore McCarty asked to abstain from discussion and voting because of a possible conflict of interest.

Council discussion followed with questions being directed to Staff.

Councilman Hughes moved for adoption of Resolution No. 81-12 awarding the contract for legal advertising for the City of Lodi to the Lodi Life and Times. The motion failed to pass by the following vote:

Ayes: Councilmen - Hughes, Murphy

Noes: Councilmen - Pinkerton, Katnich

Absent: Councilmen - None

Abstain: Councilmen - McCarty

Following additional discussion, Council, on motion of Councilman Pinkerton, Murphy second, directed
The City Clerk to provide additional information to the Council regarding this matter, and also directed the City Clerk to continue for the interim period to place all legal advertising with the Lodi News Sentinel.

RECESS

Mayor Katnich declared a 5-minute recess, and the Council reconvened at approximately 9:25 p.m.

ORDINANCE
ADOPTING NEW
ELECTRIC RATE
SCHEDULE
ENERGY PURCHASE

ORD. NO. 1220 INTRODUCED Council was informed that to encourage individuals to construct and operate small power generation facilities (particularly those using wind, solar or other renewable energy sources), the Federal Energy Regulatory Commission (FERC) has specified that all excess energy so generated, be purchased by the servicing electric utility. FERC has further stipulated that the purchase price be based on the utility's "avoided cost" (i.e. the cost to obtain power and energy from its normal source). Electric rate schedule EP as presented for Council's perusal, has been prepared to satisfy these requirements, which become effective March 20, 1981.

Following discussion, Mayor Pro Tempore McCarty introduced Ordinance No. 1220 adopting a new electric rate schedule "EP - Energy Purchase". The mction was seconded by Councilman Murphy and carried by unanimous vote.

COMMUNITY USE GUIDELINES OLD LUHS CAFETERIA APPROVED

RES. NO. 81-12



Proposed Community Use Guidelines for the use of the Old Lodi Union High School Cafeteria were presented for Council's perusal. Council discussion followed with the suggestion that the following amendment be made to the proposed guidelines:

## 6. Hours of Use

The facility is available from 8:00 a.m. to 12:00 midnight daily

#### 8:00 a.m. to 2:00 a.m. on Fridays and Saturdays

On motion of Councilman Murphy, McCarty second, Council adopted Resolution No. 81-12 approving the Old Lodi Union High School Cafeteria Community Use Guidelines with the amendment heretofore listed.

COMMUNITY RELATIONS ASSISTANT

> المق-عث صا-وع

Following introduction of agenda item "n", "Review job specifications for Community Relations Assistant", a very lengthy Council discussion followed. It was proposed that this position be a "contract" position. Council also discussed who Mrs. Lange would report to.

Mayor Pro Tempore McCarty then moved that this position be a contract position. The motion was seconded by Councilman Pinkerton and carried by the following vote:

Ayes: Councilmen - Hughes, McCarty, Murphy, and Pinkerton

Noes: Councilmen - Katnich

Absent: Councilmen - None

Council tacitly concurred that Mrs. Lange would work for the City "under the direction of the City Manager by direction of the City Council".

Mayor Pro Tempore McCarty then moved that the contract for Mrs. Lange's position be for a period of one year and that it be reviewed at the end of that period.

The motion was seconded by Councilman Murphy and carried by the following vote:

Ayes: Councilmen - Hughes, McCarty, Murphy

and Pinkerton

Noes: Councilmen - Katnich

Absent: Councilmen - None

The job specifications for the Community Relations Assistant were discussed. Mrs. Lange was in the audience and responded to questions posed by Council. Following an inquiry regarding salary, Mayor Katnich adjourned the Council to a "closed session" at approximately 10:15 p.m. The Council reconvened at approximately 11:00 p.m.

On motion of Mayor Pro Tempore McCarty, Murphy second, Council by unanimous vote rescinded the heretofore listed actions concerning this position and voted to hire Mrs. Charlene Lange effective January 1, 1981 as Community Relations Assistant as an "unclassified employee", at the salary of \$1,430.87 per month, with the Mid-Management Compensation Package "B". The salary is to be a flat salary without range. The motion passed by unanimous vote.

## POLICE DEPARTMENT REORGANIZATION

Agenda item "o" - "Police Department Reorganization" was introduced by Mayor Katnich who gave a brief history on the current organizational structure of the Police Department.

Councilman Murphy proposed that the position of Service Division Commander be filled by an officer of rank lower than that of captain and that the dollar savings of this action could then be spent in putting additional officers on the street.

Chief Yates was in the audience and responded to questions regarding the department as were posed by the Council. Chief Yates gave a history of the department staffing as it existed previous to 1975, discussed the POST survey that was conducted and the subsequent reorganization which was approved by the Council in 1975. Information concerning the responsibilities of each division was provided by the Chief of Police.

Councilman Hughes indicated he was opposed to Council discussing any type of reorganization of the Police Department as he felt the Council does not have expertise in this area. Councilman Hughes called for a recommendation from Chief Yates.

The adequacy of the class specifications for the Police Department were discussed.

A very lengthy discussion regarding the Department followed with questions being directed to the Chief of Police and the City Manager.

Mayor Pro Tempore McCarty then moved that for a one year trial period, a sergeant be appointed to supervise the Services Division and that the mid-management level be held at 4 lieutenants and 6 sergeants.

The motion died for lack of a second.

Councilman Pinkerton stressed the importance of "continuity" within the department, and stated he doesn't feel the captains are rotated as they should be.

Mayor Katnich stated that he feels the organizational structure of the Council has merit as it is and that he feels any organizational changes should eminate from the Police Department to the City Manager to the City Council.

The discussion concluded with no formal action being taken by the Council on the matter.

MEMBER SERVICE AGREEMENT NCPA APPROVED

Agenda item "p" - "Approve proposed Member Service Agreement - NCPA" was introduced by City Manager Glaves.

RES. NO. 81-13

12-

A lengthy Council discussion followed with questions being directed to Staff. Mayor Pro Tempore McCarty requested that Council receive a monthly accounting of the Northern California Power Agency schedule of payments, which would include dues, assessment, development fund payments, etc.

Following additional discussion, on motion of Councilman Hughes, Katnich second, Council adopted Resolution No. 81-13 approving Member Service Agreement - NCPA and authorizing the Mayor and City Clerk to execute the subject Agreement on behalf of the City. The motion carried by the following vote:

Ayes: Councilmen - Hughes, Murphy, Pinkerton,

and Katnich

Noes: Councilmen - McCarty

Absent: Councilmen - None

ORDINANCE AUTHORIZING NCPA TO ISSUE REVENUE NOTES INTRODUCED

A proposed ordinance that was prepared by the Northern California Power Agency Bond Counsel with respect to the public financing of the Shell project was presented for Council's adoption. Council was informed that the original ordinance that was passed did not allow for the issuance of Bond Anticipation Notes. The purpose of the proposed ordinance is to rectify that oversight. It allows greater financial flexibility and, therefore, potential savings. Co-112 Other than authorizing the issuance of Bond Anticipation Notes, there is no other change in the authority previously approved.

ORD. NO. 1221 INTRODUCED

> Mayor Pro Tempore McCarty then moved for introduction of Ordinance No. 1221 - An Ordinance Authorizing the Northern California Power Agency to issue Revenue Notes. The motion was seconded by Councilman Murphy and carried by unanimous vote.

On motion of Councilman Pinkerton, Murphy second,

LOT LINE ADJUSTMENT APPROVED 1602 & 1604 BRANDYWINE COURT & DRIVE

Council adopted Resolution No. 81-14 approving a Lot Line Adjustment between 1602 Brandywine Court and 1214 Brandywine Drive (i.e. Lots 178 and 179, Beckman Ranch, Unit No. 3), with the condition that the existing 5 foot public utility easement along the south side of 1602 Brandywine Court (Lot 178) be extended easterly 8'6" to provide electrical

service to 1214 Brandywine Drive (Lot 179).

RES. NO. 81-14

Ordinance No. 1218, entitled, "An Ordinance Approving the Specific Plan for Mills Avenue between Kettleman Lane and Harney Lane and Sand Creek

ORDINANCES

Drive and Beach Street, Lodi, which are stub streets in the Lake Shore Village Subdivision having been introduced at a regular meeting held January 7, 1981 was brought up for passage on motion of Councilman Pinkerton, Hughes second.

Second reading was omitted after reading by title, and the Ordinance was then passed, adopted and ordered to print by unanimous vote.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned by Mayor Katnich at approximately 12:20 a.m.

ATTEST:

ALICE M. REIMCHE City Clerk